

Remarks

Reconsideration of the present application is hereby requested.

In regard to the claims:

Claims 1 to 10 were pending in this application.

Claims 1, 3 and 5 to 9 have been amended. In particular, claims 1 and 5 have been amended to specifically reference the types and amounts of alloying metals, while ranges of alloying metals have been narrowed in claims 3 and 6 to 9. No new matter has been added. Support for these amendments can be found in paragraph numbers [0028] to [0030] of the specification as published.

Please cancel claim 2.

Claims 1 and 3 to 10 are currently pending in this application.

In regard to the rejection of claims 1 to 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,693,158 to Yamamoto *et al.* in view of U.S. Patent No. 5,983,976 to Kono, Applicant respectfully submits that this ground for rejection is untenable and should be withdrawn.

Amended claims 1 and 3 to 10 are allowable over U.S. Patent No. 5,693,158 to Yamamoto *et al.* in view of U.S. Patent No. 5,983,976 to Kono. More specifically, it is submitted that Yamamoto *et al.* together with Kono do not teach an oxidation-resistant alloy melt comprising, in weight percent of alloying metals, 2 to 9 % aluminum, 1 to 7 % strontium, 0 to 0.60 % manganese, and 0 to 0.35 % zinc, with the balance being magnesium except for impurities commonly found in magnesium alloys. In fact, Yamamoto *et al.* teach away from strontium levels exceeding 0.5 weight percent. According to Yamamoto *et al.*, when the strontium level is higher than 0.5 weight percent, a compound is made between the strontium and magnesium, aluminum, zinc or the like thereby adversely impacting upon the mechanical properties of the light alloy

product making it difficult to cast the magnesium alloy material. See Col. 3, lines 14 to 20, of Yamamoto *et al.*

Therefore, it is respectfully submitted that the methods of claims 1 and 3, the oxidation-resistant alloy melt of claim 5, and the magnesium-based alloy casting of claim 9 would not have been obvious to one of ordinary skill in the art in light of the teachings of Yamamoto *et al.* As the remaining claims depend from allowable claims it is submitted that they, too, are allowable claims.

Attached hereto are two Terminal Disclaimers which serve to address:

- (1) The rejection of claims 5 to 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 15 of U.S. Patent No. 6,322,644 in view of U.S. Patent No. 5,983,976 to Kono; and
- (2) The rejection of claims 5 to 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 14 of U.S. Patent No. 6,342,180 in view of U.S. Patent No. 5,693,158 to Yamamoto *et al.*, and further in view of U.S. Patent No. 5,983,976 to Kono.

Early reconsideration of the subject patent application is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



Mary R. Bonzagni
Attorney for Applicants
Registration No. 34779
Customer No. 27804
(413) 567-2076

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